IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO. 2167 OF 2007

Mr.Anil Bhaskar Bhole. ... Applicant.

V/s.

The State of Maharashtra. ... Respondent.

A.P.Mundargi, senior counsel with M.K.Kocharekar for the applicant.

Ms.M.H.Mhatre, APP for the State.

Ms.Veena Gowda with Ms.Sharmila Deshmukh for respondent No.2.

CORAM: V.C.DAGA, J.

DATED: 13th July 2007.

P.C.:

. Heard all parties.

. Perused application.

2. On 9th July, 2007, this application was adjourned for today on the assurance given by Mr.Mundargi, learned senior counsel for the applicant that the applicant shall pay to respondent No.2 entire amount of arrears of maintenance awarded by the Additional Chief Magistrate, 11th Court, Kurla, Mumbai vide order dated 23rd May, 2007 copy of which is produced on record.

3. Mr.Mundargi submits that Rs.7,000/- have been

deposited by the applicant, whereas actual arrears of maintenance for the months of May and June, 2007 amounts to Rs.13,000/-. It is, thus, clear that the assurance given to this Court has not been complied with by the applicant.

4. Needless to mention that assurance given by the learned senior counsel, that too; after taking instructions from his client, who is an Advocate, was not recorded in the form of ordersheet believing that the assurance, being that of the advocate, will not be breached.

5. However, considering the breach of the solemn assurance given to this Court, it is reasonable to believe that the applicant is trying to show that he is above Law. He on this count alone is not entitled to any relief from this Court. Even otherwise, looking to the act committed by him, and, prima facie; material to connect him with the offence alleged, I am not inclined to grant anticipatory bail to the applicant.

6. The application is, therefore, rejected with costs quantified in the sum of Rs.10,000/- to be paid to the complainant within two weeks from today.

JUDGE